

2009 DRAFTING REQUEST

Bill

Received: **01/05/2010**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Wirch (608) 267-8979**

By/Representing: **Mike Tierney**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters: **chanaman**

Subject: **Agriculture - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Wirch@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Promoting use of farm products produced in this state

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	btradewe 01/26/2010	kfollett 01/26/2010	mduchek 01/26/2010	_____	lparisi 01/26/2010		State
/1	btradewe 02/02/2010	kfollett 02/04/2010	rschluet 02/04/2010	_____	sbasford 02/04/2010	mbarman 02/08/2010	

FE Sent For: ^{ci} /1 @ intro. 2/17/10

<END>

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/?	btradewe	1/11/10 1/26		_____			

FE Sent For:

<END>

Tradewell, Becky

From: Tierney, Michael
Sent: Tuesday, January 05, 2010 11:55 AM
To: Tradewell, Becky
Subject: Email from LRB Website

Hi Becky –

Senator Wirch would like to put together a bill draft using the attached Illinois law as a model. We still need to determine who members of the Council created in the draft would be, but we were hoping that there may be enough information to move forward at this time.

Mike



Illinois Act
096-0579.pdf (23 ...

Public Act 096-0579

HB3990 Enrolled

LRB096 11767 JDS 22546 b

AN ACT concerning local farm and food products.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the "Local Food, Farms, and Jobs Act".

Section 5. Definitions.

"Local farm or food products" are products grown, processed, packaged, and distributed by Illinois citizens or businesses located wholly within the borders of Illinois.

Section 10. Procurement goals for local farm or food products.

(a) In order to create, strengthen, and expand local farm and food economies throughout Illinois, it shall be the goal of this State that 20% of all food and food products purchased by State agencies and State-owned facilities, including, without limitation, facilities for persons with mental health and developmental disabilities, correctional facilities, and public universities, shall, by 2020, be local farm or food products.

(b) The Local Food, Farms, and Jobs Council established under this Act shall support and encourage that 10% of food and food products purchased by entities funded in part or in whole by State dollars, which spend more than \$25,000 per year on food or food products for its students, residents, or clients, including, without limitation, public schools, child care facilities, after-school programs, and hospitals, shall, by 2020, be local farm or food products.

(c) To meet the goals set forth in this Section, when a State contract for purchase of food or food products is to be awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of local farm or food products may be given preference over other bidders, provided that the cost included in the bid of local farm or food products is not more than 10% greater than the cost included in a bid that is not for local farm or food products.

(d) All State agencies and State-owned facilities that purchase food and food products shall, with the assistance of the Local Food, Farms, and Jobs Council, develop a system for (i) identifying the percentage of local farm or food products purchased for fiscal year 2011 as the baseline; and (ii) tracking and reporting local farm or food products purchases on an annual basis.

Section 15. Creation of the Local Food, Farms, and Jobs Council.

(a) The General Assembly authorizes the Department of Agriculture, in accordance with Section 10 of the State Agency

Entity Creation Act, to create the Local Food, Farms, and Jobs Council.

(b) The purpose of the Local Food, Farms, and Jobs Council shall be to facilitate the growth of an Illinois-based local farm and food product economy that revitalizes rural and urban communities, promotes healthy eating with access to fresh foods, creates jobs, ensures a readily available supply of safe food in an emergency event, and supports economic growth through making local farm or food products available to all Illinois citizens.

Section 20. Responsibilities of the Local Food, Farms, and Jobs Council. The responsibilities of the Local Food, Farms, and Jobs Council include, but are not limited to, the following:

(a) To assist State agencies, State-owned facilities, and other entities with the purchase of local farm or food products and with tracking and reporting of such purchases in order to meet the goals established in Section 10 of this Act.

(b) To assist local farm and food entrepreneurs to identify and secure necessary resources and equipment to begin, maintain, and expand projects and networks necessary for the development of local farm or food products; provided, however, that it is the intent of this Act that the Local Food, Farms, and Jobs Council will facilitate program start-ups and then relinquish rights, benefits, and control within a reasonably short duration of time.

(c) To facilitate the building of infrastructure, including aggregation, processing, storage, packaging, and distribution facilities necessary to move local farm or food products to local and other markets.

(d) To support and expand programs that recruit, train, and provide technical assistance to Illinois farmers and residents in order to encourage the production of local farm or food products.

(e) To coordinate interagency policies, initiatives, and procedures promoting local farm and food products in Illinois communities, by working with and involving State, federal, and local agencies, as well as community based organizations, educational institutions, and trade organizations in executing the purposes of this Act.

(f) To facilitate the elimination of legal barriers hindering the development of a local farm and food economy by working with federal, State, and local public health agencies, other agencies and applicable entities, and the Illinois Attorney General to create consistent and compatible regulations for the production, storage, distribution, and marketing of local farm or food products.

(g) To facilitate the use of public lands for growing local farm or food products by working with governmental entities at the local, State, and federal levels.

(h) To set annual goals for all purchases of local farm or food products by Illinois residents and to monitor the development and expansion of a local farm and food economy through data collection, tracking, measurement, analysis, and reporting on progress made in an annual report to the Illinois General Assembly.

(i) To develop, in collaboration with the Department of Agriculture, a label and certification program different than the "Illinois Product" label program, whereby a label with a

specific name and unique design or logo may be placed on local farm and food products.

(j) To initiate and facilitate public awareness campaigns about the economic benefits of a local farm and food economy.

Section 25. Governance of*the Local Food, Farms, and Jobs Council.

(a) The Local Food, Farms, and Jobs Council shall be governed by a 35-member board of directors, which shall be comprised of the following:

(1) one representative each from the Department of Agriculture; the Department of Commerce and Economic Opportunity; the Department of Public Health; the Department of Human Services, Office of Health and Prevention; the Department of Human Services, Office of Security and Emergency Preparedness;

(2) the Director of the Lieutenant Governor's Rural Affairs Council;

(3) one agricultural specialist from the University of Illinois Extension;

(4) four local farm or food product farmers representing different agribusiness sectors, including, but not limited to, the dairy, meat, vegetable, and grain sectors;

(5) four local farm or food product producers representing different flower, fruit, viticulture, aquaculture, forestry, seeds, fiber, vegetable, ornamental, or other specialty crop sectors;

(6) two local farm or food product processors;

(7) two local farm or food product distributors;

(8) three representatives of not-for-profit educational organizations that specialize in supporting and expanding local farm or food product networks;

(9) one certifier of specialty local farm or food products, such as an organic, naturally grown, biodynamic, Halal, or Kosher certifier;

(10) one local farm or food product consumer representative;

(11) two representatives of farm organizations;

(12) one representative from a philanthropic organization supporting the development of local farm or food products;

(13) one local farm or food product retailer;

(14) two municipal representatives from different communities in the State actively engaged in the development of local farm or food products;

(15) four representatives from community-based organizations focusing on access to local farm or food products, including at least 3 minority members; and

(16) one chef specializing in the preparation of locally grown foods.

(b) The 29 non-state governmental board members shall be appointed by the Governor to 3-year staggered terms as determined by the Governor. Persons may be nominated by organizations representing the sectors outlined in subsection (a) of this Section. Vacancies shall be filled by the Governor.

(c) The Local Food, Farms, and Jobs Council may apply for and establish a not for profit corporation under the General Not For Profit Corporation Act of 1986.

(d) The board of directors shall have all the rights,

titles, powers, privileges, and obligations provided for in the General Not For Profit Corporation Act of 1986. It shall elect its presiding officers from among its members and may elect or appoint an executive committee, other committees, and subcommittees to conduct the business of the organization.

(e) The Local Food, Farms, and Jobs Council may solicit grants, loans, and contributions from public or private sources and may enter into any contracts, grants, loans, or agreements with respect to the use of such funds to execute the purposes of this Act. No debt or obligation of the Local Food, Farms, and Jobs Council shall become the debt or obligation of the State.

(f) The Local Food, Farms, and Jobs Council shall not be considered a State Agency, and its funds shall be considered private funds and held in an appropriate account outside of the State Treasury. Private funds collected by the Local Food, Farms, and Jobs Council are not subject to the Public Funds Investment Act. Local Food, Farms, and Jobs Council procurement is exempt from the Illinois Procurement Code. The treasurer of Local Food, Farms, and Jobs Council funds shall be custodian of all Local Food, Farms, and Jobs Council funds. The Local Food, Farms, and Jobs Council and its officers shall be responsible for the approval of recording of receipts, approval of payments, and the proper filing of required reports. The Local Food, Farms, and Jobs Council's records shall be audited annually by an independent auditor who is a certified public accountant and has been selected by the Board. An annual report shall also be compiled by the Board. Both the annual report and the annual audit shall be filed with any public agency providing funds to the Local Food, Farms, and Jobs Council and be made available to the public.

(g) Subject to the availability of public or private funds, the board of directors may employ an executive director, treasurer, other staff, or independent contractors necessary to execute the purposes of this Act, and it may fix the compensation, benefits, terms, and conditions of those persons' employment.

(h) The State Governmental agencies represented on the board of directors may re-direct existing staff, as appropriations permit; assist in executing the purposes of this Act; and provide office space, meeting space, and other research and communication services as appropriate.

(i) The Local Food, Farms, and Jobs Council may be assisted in carrying out its functions by personnel of the Department of Agriculture. The Department shall provide reasonable assistance to the Local Food, Farms, and Jobs Council to help it achieve its purposes.

Section 80. The Department of Agriculture Law of the Civil Administrative Code of Illinois is amended by changing Section 205-45 and adding Section 205-46 as follows:

(20 ILCS 205/205-45) (was 20 ILCS 205/40.36)

Sec. 205-45. "Illinois Product" label program. The Department has the power to administer the "Illinois Product" label program, whereby a label with the words "Illinois Product" on it may be placed on food and agribusiness commodities produced, processed, or packaged in Illinois. The definition of "Illinois Product" does not imply that the product meets the definition of "local farm or food products"

as defined in the Local Food, Farms, and Jobs Act.

(Source: P.A. 90-385, eff. 8-15-97; 90-403, eff. 8-15-97; 91-239, eff. 1-1-00.)

(20 ILCS 205/205-46 new)

Sec. 205-46. Local Food, Farms, and Jobs Act labeling and certification program. The Department may administer a label and certification program, different than the "Illinois Product" label program, whereby a label with a specific name and unique design or logo may be placed on local farm and food products that are grown, processed, packaged, and distributed by Illinois citizens or businesses located wholly within the borders of Illinois. The label and certification program will be developed jointly with the Local Food, Farms, and Jobs Council. The Department shall adopt rules necessary to implement this Section.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law.

Effective Date: 8/18/2009

Tradewell, Becky

From: Tierney, Michael
Sent: Tuesday, January 05, 2010 3:43 PM
To: Tradewell, Becky
Subject: RE: Email from LRB Website

Becky,

Thank you.

If there is a way to reference pertinent existing law into the draft that would be great.

Mike

From: Tradewell, Becky
Sent: Tuesday, January 05, 2010 3:40 PM
To: Tierney, Michael
Subject: RE: Email from LRB Website

Mike,

Current law includes the following related provisions:

93.45 Buy local, buy Wisconsin. The department [DATCP] shall conduct a program to increase awareness and consumption of locally produced foods and related products and to increase the production and improve the distribution of foods and related products for local consumption. In the program, the department shall emphasize the development of regional food and cultural tourism trails and the development of regional food systems through activities such as creating or expanding facilities for the processing and distribution of food for local consumption; creating or supporting networks of producers; and strengthening connections between producers, retailers, institutions, and consumers and nearby producers.

93.48 Buy local grant program. (1) The department [DATCP] may award grants from the appropriation under s. 20.115 (4) (am) to individuals or organizations to fund projects that are designed to increase the sale of agricultural products grown in this state that are purchased in close proximity to where they are produced. The department shall promulgate rules for the program under this section.

(2) The department may make grants under this section for any of the following purposes:

- (a) To create, promote, and support regional food and cultural tourism trails.
- (b) To promote the development of regional food systems through activities such as creating or expanding facilities for the processing and distribution of food for local consumption; creating or supporting networks of producers; and strengthening connections between producers, retailers, institutions, and consumers and nearby producers.

It seems that any new language should be tied-in to the existing provisions in some way. If you don't have specific thoughts on that, we will make try to do that in a first draft.

Please let me know if you have questions or additional instructions.

Becky Tradewell
6-7290

From: Tierney, Michael
Sent: Tuesday, January 05, 2010 11:55 AM

To: Tradewell, Becky
Subject: Email from LRB Website

Hi Becky –

Senator Wirch would like to put together a bill draft using the attached Illinois law as a model. We still need to determine who members of the Council created in the draft would be, but we were hoping that there may be enough information to move forward at this time.

Mike



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-4071/P1

RCT... *kgf*

Wanted this, 1/28, if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Note

Gen

1 **AN ACT**...; **relating to:** encouraging the purchase of food produced in this state
2 and creating a council.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 15.137 (4) of the statutes is created to read:
4 15.137 (4) LOCAL FOOD, FARMS, AND JOBS COUNCIL. There is created in the
5 department of agriculture, trade, and consumer protection a local food, farms, and
6 jobs council consisting of the following members:

****NOTE: The draft will need to specify members for the council, who appoints them, and terms.

7 **SECTION 2.** 93.49 of the statutes is created to read:
8 **93.49 Local food, farms, and jobs council.** (1) In this section:
9 (a) "Council" means the local food, farms, and jobs council.

1 (b) "Local food products" means food products that are grown, processed,
2 packaged, and distributed in this state.

3 (2) The council shall do all of the following:

4 (a) Encourage entities that receive funding from this state and that spend more
5 than \$25,000 per year on food for their students, residents, or clients, including
6 school districts, child care providers, and hospitals, to make expenditures for local
7 food products that equal at least 10 percent of their total expenditures for food
8 products by 2020.

9 (b) Assist entities that receive funding from this state and state agencies to
10 meet the goals under par. (a) and s. 16.XXX and to track and report purchases of local
11 food products.

****NOTE: This will include a reference to the goals for state purchasing, if those
goals are wanted.

12 (c) Assist farmers and others in this state to identify and secure financing and
13 equipment to begin, maintain, and expand projects to process, package, and
14 distribute local food products.

15 (d) Facilitate the building of aggregation, processing, storage, packaging, and
16 distribution facilities needed to bring local food products to local and other markets.

17 (e) Support and encourage the expansion of programs that recruit, train, and
18 provide technical assistance to farmers and others in this state to increase the
19 availability of local food products.

20 (f) Work with federal, state, and local agencies, educational institutions, trade
21 organizations, and community-based organizations to coordinate policies,
22 initiatives, and procedures that promote the production and consumption of local
23 food products.

1 (g) Work with federal, state, and local agencies, including public health
2 agencies, and the attorney general, to seek the elimination or modification of rules
3 and regulations that hinder the production, storage, distribution, and marketing of
4 local food[✓] products.

5 (h) Encourage federal, state, and local entities to allow the use of public lands
6 for growing food crops for processing, packaging, and distribution in this state.

7 (i) Set annual goals for the purchase of local food[✓] products by residents of this
8 state and evaluate progress toward meeting the goals.

9 (j) Initiate and facilitate public awareness activities concerning the economic
10 benefits of the production and consumption of local food[✓] products.

11 (END)

Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4071/P1dn

RCT...

ef

Date

Mike Tierney:

This is a partial, preliminary draft of the proposal to promote the purchase of foods produced in this state. Note that there are some related provisions in current law, for example, ss. 93.07(3) and (17), 93.33, 93.40, 93.44, 93.45, 93.46, and 93.48. An alternate approach would be to create a council to advise DATCP on its efforts under some or all of the current laws, perhaps with some modifications to the current laws.

This draft does not include goals for state agency purchases of food produced in this state or a purchasing preference for such food, as in the Illinois legislation. Let me know whether those or any other provisions should be added. (There may be federal constitutional issues with the purchasing preference.) Also, note that there are a couple of notes in the draft itself.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4071/P1dn
RCT:kjf:md

January 26, 2010

Mike Tierney:

This is a partial, preliminary draft of the proposal to promote the purchase of foods produced in this state. Note that there are some related provisions in current law, for example, ss. 93.07 (3) and (17), 93.33, 93.40, 93.44, 93.45, 93.46, and 93.48. An alternate approach would be to create a council to advise DATCP on its efforts under some or all of the current laws, perhaps with some modifications to the current laws.

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Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

Tradewell, Becky

From: Tierney, Michael

Sent: Thursday, January 28, 2010 1:05 PM

To: Tradewell, Becky

Subject: RE: Draft review: LRB 09-4071/P1 Topic: Promoting use of farm products produced in this state

Hi Becky –

The way Council members are listed in the Illinois bill would work for us, but of course we would want to refer to the University of Wisconsin Extension and change the agency names so that they reflect our state agencies and delete the reference to the Lieutenant Governor's Rural Affairs Council. Of course the overall number of council members would have to be decreased to reflect these changes.

An appointment by the Governor for staggered terms of 3 years (or other length of time consistent with other provisions in Wisconsin law) with the advice and consent of the Senate would be preferable

For state agencies only – by 2020 – we would want there to be a goal that 20% of food purchased shall meet the definition of "local food products."

For bids, we would want local and state agencies to have the option of going with a higher bid (up to 10% higher) provided that the food vendor was providing "local food products".

There are 2 questions I have regarding page 2 paragraph (2)(a).

Does this paragraph include state agencies?

Is it correct that this paragraph does not mandate that any of the entities listed on lines 5 and 6 make expenditures that equal 10%?

Thank you for making these changes and additions.

Mike

01/28/2010

Tradewell, Becky

From: Tierney, Michael
Sent: Thursday, January 28, 2010 3:44 PM
To: Tradewell, Becky
Subject: RE: Draft review: LRB 09-4071/P1 Topic: Promoting use of farm products produced in this state

Hi Becky –

Thank you.

Could you also include state agencies in paragraph (2)(a)? It would be our understanding that doing so would lead to agencies being encouraged to have 10% of their expenditures going towards local food between now and 2020 and then in 2020 they would have a mandate of 20%.

Thanks again.

Mike

From: Tradewell, Becky
Sent: Thursday, January 28, 2010 2:01 PM
To: Tierney, Michael
Subject: RE: Draft review: LRB 09-4071/P1 Topic: Promoting use of farm products produced in this state

Mike,

In answer to your questions:

1. Paragraph (2) (a) does not include state agencies.
2. That paragraph does not mandate that 10% of expenditures be for local food products.

On your redraft instructions: Is it your intent that the bill **require** state agencies to make at least 20% of their food expenditures be for local food products or require them to try to reach that percentage?

Cathlene Hanaman will draft the exception to the buy on low bid requirement for state purchasing, so you will hear from her if she has any questions.

Becky

From: Tierney, Michael
Sent: Thursday, January 28, 2010 1:05 PM
To: Tradewell, Becky
Subject: RE: Draft review: LRB 09-4071/P1 Topic: Promoting use of farm products produced in this state

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State of Wisconsin due 2/5
2009 - 2010 LEGISLATURE

LRB-4071/P1

RCT/kjf:md

+CMAH

VMY

SOON (in 12) 2/5

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Goals and
creating a preference
in state procurement for
food produced in this
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93.49 Local food, farms, and jobs council. (1) In this section:

(a) "Council" means the local food, farms, and jobs council.

(b) "Local food products" means food products that are grown, processed, packaged, and distributed in this state.

(2) The council shall do all of the following:

(a) Encourage entities that receive funding from this state and that spend more than \$25,000 per year on food for their students, residents, or clients, including school districts, child care providers, and hospitals, to make expenditures for local food products that equal at least 10 percent of their total expenditures for food products by 2020.

(b) Assist entities that receive funding from this state and state agencies to meet the goals under par. (a) and s. 16.XXX and to track and report purchases of local food products.

****NOTE: This will include a reference to the goals for state purchasing, if those goals are wanted.

Insert
2-11
(c) Assist farmers and others in this state to identify and secure financing and equipment to begin, maintain, and expand projects to process, package, and distribute local food products.

(d) Facilitate the building of aggregation, processing, storage, packaging, and distribution facilities needed to bring local food products to local and other markets.

(e) Support and encourage the expansion of programs that recruit, train, and provide technical assistance to farmers and others in this state to increase the availability of local food products.

(f) Work with federal, state, and local agencies, educational institutions, trade organizations, and community-based organizations to coordinate policies, initiatives, and procedures that promote the production and consumption of local food products.

1 (g) Work with federal, state, and local agencies, including public health
2 agencies, and the attorney general, to seek the elimination or modification of rules
3 and regulations that hinder the production, storage, distribution, and marketing of
4 local food products.

5 (h) Encourage federal, state, and local entities to allow the use of public lands
6 for growing food crops for processing, packaging, and distribution in this state.

7 (i) Set annual goals for the purchase of local food products by residents of this
8 state and evaluate progress toward meeting the goals.

9 (j) Initiate and facilitate public awareness activities concerning the economic
10 benefits of the production and consumption of local food products.

11 (END)

Ins 11 →

3-10

**2009-2010 DRAFTING INSERT
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This bill also creates a Local Food, Farms, and Jobs Council in the Department of Agriculture, Trade and Consumer Protection. It requires the council to undertake various activities designed to increase the in-state purchase of food products that are grown, [✓]processed, packaged, and distributed in this state. These activities include encouraging entities that receive funding from this state and that spend more than \$25,000 per year on food for their students, residents, or clients to spend at least 10 percent of their food budgets on food grown, processed, packaged, and distributed in this state.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

Insert 1-6-A

(a) A representative of the department of agriculture, trade and consumer protection appointed by the secretary of agriculture, trade and consumer protection.

(b) A representative of the department of commerce, appointed by the secretary of commerce.

(c) A representative of the department of health services, appointed by the secretary of health services.

(d) A representative of the department of children and family services, appointed by the secretary of children and family services.

(e) A representative of the division of emergency management in the department of military affairs, appointed by the administrator of the division of emergency management.

1 (f) An agricultural specialist from the University of Wisconsin-Extension,
2 appointed by the chancellor of the University of Wisconsin-Extension.

3 (g) The following members nominated by the governor and with the advice and
4 consent of the senate appointed for ³~~three~~-year terms:

- 5 1. One dairy producer.
- 6 2. One meat producer.
- 7 3. One vegetable producer.
- 8 4. One grain producer.
- 9 5. Four producers of specialty food crops or animals, such as fruit, herbs, and
10 fish, each producing a different specialty food crop or animal.
- 11 6. Two processors of local food products.
- 12 7. Two distributors of local food products.
- 13 8. One retailer of local food products.
- 14 9. One representative of consumers of local food products.
- 15 10. One chef specializing in the preparation of local food products.
- 16 11. Two representatives of municipalities actively involved in the promotion of
17 local food products.
- 18 12. Two representatives of farm organizations.
- 19 13. One representative of an entity that certifies foods as meeting standards
20 such as organic, biodynamic, kosher, or halal.
- 21 14. Three representatives of nonprofit educational organizations that support
22 the production, processing, distribution, and consumption of local food products.
- 23 15. Four representatives of community-based organizations that promote
24 access to local food products.

1 16. One representative of a philanthropic organization supporting the
2 production, processing, distribution, and consumption of local food products.

3 **Insert 2-11**

4 (br) Assist state agencies to meet the goal under 16.75 (3p) (b) and to comply
5 with the requirement under s. 16.75 (3p) (c) and to track and report purchases of local
6 food products.

7 **Insert 3-10**

8 **SECTION 1. Nonstatutory provisions.**

9 (1) INITIAL TERMS OF MEMBERS OF COUNCIL. Notwithstanding the length of terms
10 specified under section 15.137 (4) (g) of the statutes, as created by this act, the
11 governor shall appoint initial members of the local food, farms, and jobs council as
12 follows:

13 (a) The members appointed under section 15.137 (4) (g) 1., 4., 8., and 16. and
14 one of the members appointed under section 15.137 (4) (g) 5., 6., 11., 12., 14., and 15.
15 for terms ending on July 1, 2012.

16 (b) The members appointed under section 15.137 (4) (g) 2., 9., and 13., one of
17 the members appointed under section 15.137 (4) (g) 7., 11., 14. and 15., and 2 of the
18 members appointed under section 15.137 (4) (g) 5. for terms ending on July 1, 2013.

19 (c) The members appointed under section 15.137 (4) (g) 3. and 10., one of the
20 members appointed under section 15.137 (4) (g) 5., 6., 7., 12., and 14., and 2 of the
21 members appointed under section 15.137 (4) (g) 15. for terms ending on July 1, 2014.

**2009-2010 DRAFTING INSERT
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CMH:.....

1 **Insert A**

Current law generally authorizes state agencies to contract for services under certain circumstances. With some exceptions, orders or contracts must be awarded to the lowest responsible bidder. This bill requires state entities, if their expenditures on food are greater than \$25,000 per fiscal year, to attempt to ensure that, ^{before} ~~by~~ 2020, of the total amount expended for food per fiscal year, at least 10 percent is spent on food products that are grown, processed, packaged, and distributed in this state and to ensure that, beginning in 2020, of the total amount expended for food per fiscal year, at least 20 percent is spent on food products that are grown, processed, packaged, and distributed in this state. To accomplish these goals, this bill creates an exception to the lowest responsible bidder requirement by allowing state entities to accept a bid or proposal from a vendor selling local food products that is no more than 10 percent higher than the apparent low bid or most advantageous proposal.

2

3 **Insert 1-6 B**

4 **SECTION 1.** 16.75 (1) (a) 1. of the statutes is amended to read:

5 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
6 materials, supplies, equipment, and contractual services to be provided to any
7 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3p),
8 (3t), (6), (7), (8), (9), (10e), and (10m) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8),
9 50.05 (7) (f), 153.05 (2m) (a), and 287.15 (7), shall be awarded to the lowest
10 responsible bidder, taking into consideration life cycle cost estimates under sub.
11 (1m), when appropriate, the location of the agency, the quantities of the articles to
12 be supplied, their conformity with the specifications, and the purposes for which they
13 are required and the date of delivery.

History: 1975 c. 224; 1977 c. 418, 419; 1979 c. 34, 221, 314, 340, 355; 1979 c. 361 s. 112; 1981 c. 121 s. 20; 1983 a. 27 ss. 91, 93 to 99; 1983 a. 333 ss. 3g, 3r to 4b, 6; 1983 a. 368, 390; 1985 a. 29 ss. 122m to 124, 3200 (1); 1985 a. 180; 1987 a. 27, 119, 142, 147, 186, 399, 403; 1989 a. 31, 335, 345, 359; 1991 a. 39, 170; 1993 a. 16, 414; 1995 a. 27 ss. 368 to 382, 9116 (5); 1995 a. 225, 227, 244, 289, 432; 1997 a. 3; 1999 a. 9, 44, 197; 2001 a. 16, 38; 2003 a. 33; 2005 a. 22, 25, 74, 141, 335; 2007 a. 20 ss. 102 to 103h, 9121 (6) (a); 2007 a. 97; s. 13.92 (2) (i).

14 **SECTION 2.** 16.75 (3p) of the statutes is created to read:

15 16.75 (3p) (a) In this subsection:

16 1. "Local food products" has the meaning given in s. 93.49 (1) (b).

1 2. "Purchasing agent" means the department, any designated purchasing
2 agent under s. 16.71, or any agency making purchases under s. 16.74.

3 (b) If a purchasing agent spends more than \$25,000 on food under this
4 subchapter per fiscal year, the purchasing agent shall attempt to ensure that ^{before} ~~by~~
5 2020, at least 10 percent of the total amount expended for food products under this
6 subchapter per fiscal year is expended on local food products.

7 (c) If a purchasing agent spends more than \$25,000 on food under this
8 subchapter per fiscal year, the purchasing agent shall ensure that, beginning in
9 2020, at least 20 percent of the total amount expended for food products under this
10 subchapter per fiscal year is expended on local food products.

11 (d) A purchasing agent that is subject to the requirement under par. (b) or (c)
12 may purchase local food products from any entity submitting a qualified responsible
13 competitive bid that is no more than 10 percent higher than the apparent low bid or
14 competitive proposal that is no more than 10 percent higher than the most
15 advantageous offer.

Duerst, Christina

From: Tierney, Michael
Sent: Monday, February 08, 2010 10:32 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-4071/1 Topic: Promoting use of farm products produced in this state

Please Jacket LRB 09-4071/1 for the SENATE.